

REED SMITH LLP

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Electronically filed on **June 20, 2007**

I hereby certify that this correspondence to OIPE is being electronically filed on June 20, 2007 with the Patent and Trademark Office in Alexandria, VA 22313-1450.

By:  / **Ruth Montalvo** Date: **06/20/2007**

Customer No. 026418

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. GK-OEH-255/500814.20157

Applicant(s): Dr. Walthard VILSER, et al

Confirmation No. 4625

Application No.: 10/594,871

Examiner:

Filed: September 28, 2006

Group:

For: **SPECTRAL PHOTOMETRY METHOD FOR DETERMINING THE OXYGEN SATURATION OF THE BLOOD IN OPTICALLY ACCESSIBLE BLOOD VESSELS**

Office of Initial Patent Examination
Customer Service Center
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

Sir:

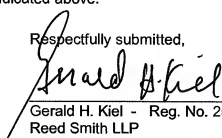
The filing receipt and Notice of Acceptance received in the above-identified application (copies attached) have an error, the docket number is GK-OEH-255/500814.20157 and not GK-OEH-225/500814.20157. Enclosed are copies of the declaration and transmittal as filed showing the correct docket number.

Applicant requests a Corrected Filing Receipt and Notice of Acceptance, showing the docket number as follows:

GK-OEH-255/500814.20157

It is respectfully requested that a Corrected Filing Receipt and Notice of Acceptance be issued showing the docket number as indicated above.

Respectfully submitted,


Gerald H. Kiel - Reg. No. 25,116
Reed Smith LLP
599 Lexington Avenue
New York, NY 10022-7650

GK:ram
06/20/2007

Tel.No. (212) 251-5400

Enclosures:

Copies of marked-up filing receipt,
Notice of Acceptance, declaration
and transmittal



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/594,871	09/28/2006	3735	550	GK-OEH-225/500814.20157	24	2

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REED SMITH, LLP

ATTN: PATENT RECORDS DEPARTMENT

599 LEXINGTON AVENUE, 29TH FLOOR

NEW YORK, NY 10022-7650

CONFIRMATION NO. 4625

FILING RECEIPT



OC00000024290998

OEH-255

Date Mailed: 06/12/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Walthard Vilser, Rudolstadt, GERMANY;

Martin Hammer, Jena, GERMANY;

Assignment For Published Patent Application

IMEDOS GmbH

Power of Attorney: The patent practitioners associated with Customer Number **26418**.**Domestic Priority data as claimed by applicant**

This application is a 371 of PCT/DE05/00588 03/31/2005

Foreign Applications

GERMANY 10 2004 016 435.5 03/31/2004

If Required, Foreign Filing License Granted: 06/08/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/594,871**

Projected Publication Date: 09/20/2007**Non-Publication Request:** No



UNITED STATES PATENT AND TRADEMARK OFFICE

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255

U.S. APPLICATION NUMBER NO. 10/594,871	FIRST NAMED APPLICANT Walhard Vilser	ATTY. DOCKET NO. GK-OEH-225/500814.20157
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 REED SMITH, LLP
 ATTN: PATENT RECORDS DEPARTMENT
 599 LEXINGTON AVENUE, 29TH FLOOR
 NEW YORK, NY 10022-7650

INTERNATIONAL APPLICATION NO. PCT/DE05/00588	
I.A. FILING DATE 03/31/2005	PRIORITY DATE 03/31/2004

 CONFIRMATION NO. 4625
 371 ACCEPTANCE LETTER


Date Mailed: 06/12/2007

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>09/28/2006</u>	<u>09/30/2006</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Indication of Small Entity Status
- Copy of the International Application filed on 09/28/2006
- Copy of the International Search Report filed on 09/28/2006
- Preliminary Amendments filed on 09/28/2006
- Information Disclosure Statements filed on 09/28/2006
- Oath or Declaration filed on 09/28/2006
- Small Entity Statement filed on 09/28/2006
- U.S. Basic National Fees filed on 09/28/2006
- Substitute Specification filed on 09/28/2006
- Assignment filed on 09/28/2006
- Priority Documents filed on 09/28/2006

UNITED STATES OF AMERICA
COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

FILE NO. GK-OEH-255/
500814.20157

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SPECTRAL PHOTOMETRY METHOD FOR DETERMINING THE OXYGEN SATURATION
OF THE BLOOD IN OPTICALLY ACCESSIBLE BLOOD VESSELS**

The specification of which

- ☒ is attached hereto.
☐ was filed on _____ as United States patent application Serial Number _____
☒ was filed on March 31, 2005 as PCT international patent application No. PCT/DE2005/000588
and was amended on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to be material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
Germany	10 2004 016 435.5	31 March 2004	YES <u>x</u> NO _____
			YES _____ NO _____

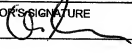

I hereby appoint REED SMITH LLP and the members of the firm: Lloyd McAulay, Reg. No. 20,423; Jules E. Goldberg, Reg. No. 24,408; Gerald H. Kiel, Reg. No. 25,116; Eugene LeDonne, Reg. No. 35,930; Stephen Chin, Reg. No. 39,938; Arthur Dresner, Reg. No. 24,403; Harry K. Ahn, Reg. No. 40,243; Sylvia Tan, Reg. No. 47,324, and Bala Sundararajan, Reg. No. 50,900; attorneys with full power of substitution and revocation to prosecute all business in the Patent & Trademark Office connected therewith and to receive all correspondence.

SEND CORRESPONDENCE TO:

Gerald H. Kiel, Esq.
REED SMITH LLP CUSTOMER #026418
599 Lexington Avenue
New York, New York 10022-7650 U.S.A.

DIRECT TELEPHONE CALLS TO: (212) 521-5400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR Dr. Walthard VILSER		INVENTOR'S SIGNATURE 	DATE 09/01/06
RESIDENCE D-07407 Rudolstadt, Germany		COUNTRY OF CITIZENSHIP Germany	
POST OFFICE ADDRESS Sigismundstrasse 8, D-07407 Rudolstadt, Germany			
FULL NAME OF SECOND INVENTOR (IF ANY) Dr. Martin HAMMER		INVENTOR'S SIGNATURE 	DATE 09/01/06
RESIDENCE D-07749 Jena, Germany		COUNTRY OF CITIZENSHIP Germany	
POST OFFICE ADDRESS Am Kochersgraben 12, D-07749 Jena, Germany			

Customer No.	026418		
Prepared from FORM PTO-1390	Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)		Page 1
Attorney's Docket No.:	GK-OEH-255/500814.20157		
U.S. Application No.:			
International Application No.:	PCT/DE2005/000588		
International Filing Date:	MARCH 31, 2005	31 MARCH 2005	
Priority Date Claimed:	MARCH 31, 2004	31 MARCH 2004	
Title of Invention:	SPECTRAL PHOTOMETRY METHOD FOR DETERMINING THE OXYGEN SATURATION OF THE BLOOD IN OPTICALLY ACCESSIBLE BLOOD VESSELS		
Applicant(s) for (DO/EO/US):	Dr. Walthard VILSER and Dr. Martin HAMMER		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- [X] 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- [] 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- [] 3. This express request to begin national examination procedures [35 U.S.C. 371 (f)]. The submission must include items (5), (6), (9), and (21) indicated below.
- [] 4. The US has been elected (Article 31).
- [X] 5. A copy of **Publication No. WO 2005/094671 13OCT05** ~~the International Application as filed~~ [35 U.S.C. 371(c)(2)]
 - a) [X] is attached hereto (required only if not communicated by the International Bureau).
 - b) [] has been communicated by the international Bureau.
 - c) [] is not required, as the application was filed in the United States Receiving Office (RO/US)
- [X] 6. An English language translation of **Publication No. WO 2005/094671 13OCT05** ~~the International Application as filed~~ 35 U.S.C. 371(c)(2)]
 - a) [X] is attached hereto
 - b) [] has been previously submitted under 35 U.S.C. 154(d)(4).
- [] 7. Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
 - a) [] are attached hereto (required only if not communicated by the International Bureau).
 - b) [] have been communicated by the international Bureau.
 - c) [] have not been made; however, the time limit for making such amendments has **NOT** expired.
 - d) [] have not been made and will not be made
- [] 8. An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)]
- [X] 9. An EXECUTED Oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)]
- [] 10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 35 U.S.C. 371(c)(5)]

Items 11. to 20. Below concern other document(s) or information included:

- [X] 11. An **Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98**
- [X] 12. An Assignment document to **IMEDOS GmbH** for recording. A separate cover sheet (PTO-1595) in compliance with 37 CFR 3.28 and 3.31 is included.
- [X] 13. A **preliminary amendment**
- [] 14. An Application Data Sheet under 37 CFR 1.76
- [X] 15. A **substitute specification with abstract (attached to the preliminary amendment)**
- [] 16. A change of power of attorney and/or address letter
- [] 17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
- [] 18. A second copy of the published International Application under 35 U.S.C. 154 (d)(4).
- [] 19. A second copy of the English language translation of the International Application under 35 U.S.C. 154 (d)(4).
- [X] 20. (other items or information) **Search Report: PCT/ISA/210 03AUG05, PTO-1449 w/4 Foreign documents, article and 10 U.S. 1st pages.**

EXPRESS MAIL No.: EL 963 992 528 US

Deposited: September 28, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 1450

Ruth Montalvo

/Ruth Montalvo Date: September 28, 2006